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NEW YORK, FRIDAY, MAY 13 1892.

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WORLD

THE EVENING WORLD

LAST EDITION.

FANNING NOT TO DIE.

Gov. Flower Commutes His Sentence to Life Imprisonment.

Result of a Hearing in the Case at Albany This Morning.

Weak Evidence and Narrowness of Defense the Chief Claims.

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ASTOR MILLIONS.

William Astor's Will, Filed To-Day, Makes John Jacob Astor One of America's Richest Men.

\$16,000,000 Now, \$15,000,000 in 1896, Life Interest in \$30,000,000.

\$145,000. Out of \$65,000,000, is Bequeathed to Charitable Objects.

No Legacy to Mrs. Drayton, but Her Children and Other Heirs Are Liberally Provided For.

The will of William Astor was filed for probate at the surrogate's office to-day. He left a fortune estimated by those who are in a position to know as above \$65,000,000.

The will covered sixty-six closely written pages of legal copy, and the six codicils attached cover many more pages. The whole comprises more than 15,000 words.

There are thirteen articles in the will, which was filed by Executor Kinsman at 12:20 o'clock this afternoon.

Contrary to general belief, William Astor received in 1876, at the death of his father, William H. Astor, an equal share with his brother, the late John Jacob Astor, of his father's estate. As everybody knows, the bulk of the Astor wealth is in real estate, and it has become a local proverb that "an Astor never sells," so that, with the city growing like a mushroom, the estate received by William Astor from his father in 1876 has probably doubled in value on his hands.

Few people know why "an Astor never sells," but the will of William Astor, which is very similar in phrasing to that of his late brother, and almost a duplicate in essentials of that of his father, who practically repeated the will of his father, the original John Jacob Astor, explains it.

William Astor's will bequeaths nearly all of his estate to his only son, John Jacob Astor, of 374 Fifth avenue. But he leaves all that portion which has accumulated since the death of his father, who practically repeated the will of his father, the original John Jacob Astor, explains it.

In other words, supposing the estate left by William Astor to be \$60,000,000, by the terms of the will, the slender, sixty-six year old John Jacob Astor, receives \$15,000,000, as soon as he is able to do so, and the balance of \$45,000,000, which is to be paid to him in installments, is to be used by him for his own pleasure, and he is to have the right to dispose of it only by will to his own issue. The rest, that is to say that part of the estate which was left to William Astor by his father, goes to John Jacob Astor, as he has the right to sell some of it, and to use the proceeds for his own pleasure, and he is to have the right to dispose of it only by will to his own issue.

The will was made Jan. 12, 1892, and is modified by six codicils, the last of which was made just before Mr. Astor last called for Europe. A provision of one of these codicils that will impress the public mind gives to the children of Mr. Astor, and to the issue of the same, an amount equal to that of the estate, while Mrs. Drayton's name is not mentioned at all.

To his widow, Caroline Webster Astor, in addition to an annuity settled upon her in an antenuptial agreement, Mr. Astor leaves the residence at Fifth avenue, and thirty-four acres of land in the Bronx, and the right to use the same for the remainder of her life, together with the furniture and stables, and a fund is provided for the payment of taxes and assessments on the property. At Mrs. Astor's death these properties go to John Jacob Astor.

A fund is given to trustees sufficient to produce an income of \$50,000 a year, to be paid to Mrs. Astor during her life and this, with the annuity allowed to above, added to her income from the schemerium estate, will make Mrs. Astor's income \$110,000 a year.

For each of the children of his eldest daughter, Rose, who married J. J. Van Alen, of New York, and died ten years ago, Mr. Astor leaves a fund of \$400,000 to his executors, as trustees, who will invest these sums and pay the income to these grandchildren, Mary, Lawrence and Sarah Van Alen, respectively, as they live, the principal to go to their issue, should they have any.

A fund of \$500,000 is left in trust, the income to go to Helen Astor Roosevelt, Mr. Astor's second daughter, who is the wife of Roosevelt Roosevelt, and she is free to will \$50,000 to whom she pleases at her death. She gets the residence 372 Fifth avenue on the same terms.

Exactly similar provision is made for the daughter, Caroline S. Astor Wilson, wife of a Marquis Wilson, including a life interest in the house 414 Fifth avenue.

The other daughter, Augusta, wife of J. J. Leonard Drayton, is not mentioned as a beneficiary in the will. Instead, her children—Arlene A. Drayton, Henry Coleman Drayton, William A. Drayton and Alida Livingston Drayton—each receive the income for

FIVE YEARS WEDDED.

Ward McAllister's Son's Secret Marriage Just Laid Out.

His Bride Was Miss Jane Garmany, of Savannah.

The Pair Thought to Be Now on Their Long-Delayed Honey-Moon Journey.

Fashionable society in New York has a fresh and interesting subject for gossip today in the announcement of the clandestine marriage of Heyward Hall McAllister, the second son of Ward McAllister, of Savannah, Georgia, to Miss Jane Garmany, of Savannah. The marriage was performed in this city by Rev. Arthur H. Judge, of the Church of the Heavenly Host, Aug. 22, 1887, and the couple left for their honeymoon journey.

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Result of a Hearing in the Case at Albany This Morning.

Weak Evidence and Narrowness of Defense the Chief Claims.

ALBANY, May 13.—Gov. Flower has commuted to imprisonment for life the sentence of Henry C. Fanning, who was to have been executed at Sing Sing prison during the week commencing next Sunday.

The murder for which Fanning stands convicted took place on the night of April 18, 1891, at the corner of Ninth-street and Fourth avenue, the victim being Mrs. Emily Taylor, whose throat was cut from ear to ear.

David Welch and Julius Lehmann, of New York City, appeared for Fanning this morning in a hearing before the Governor. They were present, besides the condemned man's wife, child and father, a number of citizens of Utica, where the boyhood of Fanning was spent, including Prof. McMillan, D. Ballou, E. B. Gardner, Rev. Dr. Higdon, F. H. Cassidy, Rev. E. W. Foxworth and Dr. E. H. Taylor.

Gov. Flower today appointed Wauhope Lynn a civil justice of the First District Court. This is the place made vacant by Judge Peter Mitchell's death.

Mr. Lynn was at the time of appointment Assistant District-Attorney in Mr. Nicol's office. He will resign.

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